

REMARKS

The application is believed to be in condition for allowance for the reasons set forth below.

Claims 1-3, 5-9, 12, 18, 20-37 and 41-61 are pending in the application.

Claims 1, 2, 5, 8, 9, 17, 23-26, 29, 33, 34, 36, 59 and 60 were rejected under 35 USC §102(b) as being anticipated by TAYLOR WO 96/34367. That rejection is respectfully traversed.

Claim 1 recites that the detection cells in at least one of the upper and middle rows, situated downstream of the flap are suitable for detecting the passage of a person or of a child from downstream to upstream of the gate and for controlling the closing of the flap in order to prevent the person from turning back.

The position set forth in the Official Action is that since page 5, line 17 of TAYLOR teaches allowing traffic in just one direction "unidirectional" mode and since TAYLOR teaches leaving the gate open for people moving in the correct direction and closing it when people approach the barrier improperly, such teachings imply the closing of the gate when people move against the "unidirectional" flow of the traffic through the gate and that such closing meets claim 1.

However, this conclusion is unfounded.

In Taylor, use of the "unidirectional" mode of the gate, entails closing of the flap (in the normally open mode) or

opening the flap (in the normally closed mode) only depending on the presence of a passenger in the passage and the validity of his ticket (see page 5, lines 10-18).

Taylor never addresses the problem of the approach of a passenger with respect to improper behavior downstream of the flap.

Taylor only describes an abnormal or improper situation in the case in which a person disappears in the middle of the passage (if he kneels down, or if a bag is falsely detected as a passenger, see, for example, page 4, lines 21-26). Taylor does not describe the detection of an abnormal situation downstream of the flap, but on a contrary only upstream of the flap.

For a flap that has to stay closed when a person approaches in the wrong direction, one would contemplate not providing any optical sensors downstream of the flap (in fact, it is the absence of a detection upstream of the flap that makes the flap closed). But such a known gate is a bit basic; and rather, the gate according to the invention proposes to overcome other problems, by reasons of a specific detection of the presence or direction of displacement downstream of the flap.

For example, a flap which would be in a "normally closed" mode and which opens when an authorized person approaches in the normal direction will be able to remain open during a predetermined period of time, to allow an easy and not hastened passage. As soon as a displacement in the wrong direction is

detected downstream of the gate, the flap will be closed even before the term of the predetermined period of time.

In another example, a flap which is in a "normally open" mode and closes when an unauthorized person is detected approaching in the normal direction, will remain open as long as the authorized persons moves in the passage in the correct direction.

By contrast, Taylor only addresses the situation wherein the approach of an unauthorized person in the normal direction upstream of the gate is detected. Taylor never describes that the flap in a "normally open" mode closes when an authorized person approaches the flap downstream of the gate, in the wrong direction. That is, the person has passed the flap, then turns around and is blocked by the flap.

In TAYLOR, there is no cell in the upper row (or middle row) that is downstream of the flap. Accordingly, the gate of TAYLOR is unable to detect the passage of a person from downstream of the flap to upstream, and control the closing of the flap in order to prevent said person from turning back.

Accordingly, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

The dependent claims are believed patentable at least for depending from an allowable independent claim.

Claims 27, 28, 30-32 and 35 were rejected under 35 USC §103(a) as being unpatentable over TAYLOR. That rejection is respectfully traversed.

Claims 27, 28, 30-32 and 35 depend from claim 1 and further define the invention and are believed to be patentable over TAYLOR at least for depending from an allowable independent claim.

Claims 3 and 58 were rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of IMAZUKA 6,450,404. That rejection is respectfully traversed.

As to claim 3, IMAZUKA does not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. Since claim 3 depends from claim 1 and further defines the invention, claim 3 is believed to be patentable at least for depending from an allowable independent claim.

In addition, claim 3 and claim 58 recite that a distance between the flap and the output of the ticket is such that when the flap is in the position preventing the passage of a person, the latter cannot access the ticket output in order to remove the ticket.

The Official Action recognizes that TAYLOR fails to disclose that the ticket outlet is positioned so that a person behind a barrier cannot remove a ticket.

IMAZUKA is offered for this feature. However, IMAZUKA does not disclose that for which it is offered. Rather, IMAZUKA

shows a downstream flap 7 immediately adjacent the ticket take-out port 4. A person stopped at flap 7 would readily be able to remove a ticket from the ticket outlet. IMAZUKA has a two-gate structure preventing the person from entering until a ticket is inserted at the ticket input 3 and a second gate preventing the user from exiting until a ticket is removed from the ticket output 4.

Moreover, TAYLOR teaches away from such modification.

The system of TAYLOR is designed to operate to prevent a passenger from taking the ticket of a subsequent passenger. Thus, in TAYLOR, the ticket is presented to the passenger as he enters the passage. See page 5, lines 1-9.

If the passenger were prevented from accessing his ticket, the person in front of him could take the passengers ticket. As TAYLOR teaches away from such a scenario, it would not have been obvious to modify TAYLOR in the manner suggested.

Claims 6 and 7 were rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of MAY 3,478,467. That rejection is respectfully traversed.

MAY is only cited with respect to features of the dependent claims. MAY does not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. As claims 6 and 7 depend from claim 1 and further define the invention, claims 6 and 7 are believed patentable at least for depending from an allowable independent claim.

Claims 12, 37, 41, 42, 46-57 and 61 were rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of TETHERTON 5,333,410. That rejection is respectfully traversed.

TETHERTON does not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. Claim 37 is amended along the lines of claim 1 and the analysis above regarding claim 1 is equally applicable to claim 37. The claims dependent from claims 1 and 37 are believed patentable at least for depending from an allowable independent claim.

Claim 18 was rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of KOCZNAR et al. 4,929,821 and IMAZUKA. That rejection is respectfully traversed.

KOCZNAR and IMAZUKA do not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. Since claim 18 depends from claim 1 and further defines the invention, claim 18 is believed to be patentable at least for depending from an allowable independent claim.

Claim 20 was rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of SHELDON 5,010,240. That rejection is respectfully traversed.

SHELDON does not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. Since claim 20 depends from claim 1 and further defines the invention, claim 20 is believed patentable at least for depending from an allowable independent claim.

Claim 21 was rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of SHELDON and further in view of KOCZNAR et al. That rejection is respectfully traversed.

SHELDON and KOCZNAR do not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. Since claim 21 depends from claim 1 and further defines the invention, claim 21 is believed patentable at least for depending from an allowable independent claim.

Claim 22 was rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of NELSON 5,105,369. That rejection is respectfully traversed.

NELSON does not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. Since claim 22 depends from claim 1 and further defines the invention, claim 22 is believed patentable at least for depending from an allowable independent claim.

Claims 43-45 were rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of TETHERTON and further in view of TANABE 4,918,298. That rejection is respectfully traversed.

TETHERTON and TANABE do not overcome the shortcomings of TAYLOR set forth above with respect to claim 37. Since claims 43-45 depend from claim 37 and further define the invention, these claims are believed patentable at least for depending from an allowable independent claim.

In view of the foregoing remarks, it is believed that the present application is in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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